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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,858	03/17/2004	Hermann Baumann	080443.53218US	1965

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EXAMINER

TRIEU, THAI BA

ART UNIT PAPER NUMBER

3748

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,858

Applicant(s)

BAUMANN, HERMANN

Examiner

Thai-Ba Trieu

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

2. Applicant is required to insert the following paragraph on Page 1, after the title of "Arrangement for an Exhaust Gas Turbocharger With a Carrier Housing":

-- The present application claims priority of a foreign application No. 103 11 996.5, filed in Germany on March 19, 2003, the disclosure of which is expressively incorporated by reference herein.--

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 9, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (Patent Number 3,565,497).

Miller discloses an arrangement for an exhaust gas turbocharger with a carrier housing (Not Numbered), the exhaust gas turbocharger comprising:

a compressor wheel (19),

a turbine wheel (18),

a bearing housing (17), and
a shaft (14) adapted to connect the compressor wheel (19) and the turbine wheel (18),

wherein the exhaust gas turbo charger is attached to the bearing housing (17) with the carrier housing (Not Numbered) by way of a fastening element, which is oriented in a direction perpendicular to an axis of rotation of the shaft (14) (See attached Figure 1);

wherein an ancillary centering device for orientation of the exhaust gas turbocharger on the carrier housing is provided on the bearing housing (See attached Figure 1);

wherein the ancillary centering device is in the form of a snap-on contact (See attached Figure 1);

wherein, by way of the snap-on contact, lubricant is conducted out of the bearing housing and into the carrier housing (See attached Figure 1, Column 3, lines 23-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

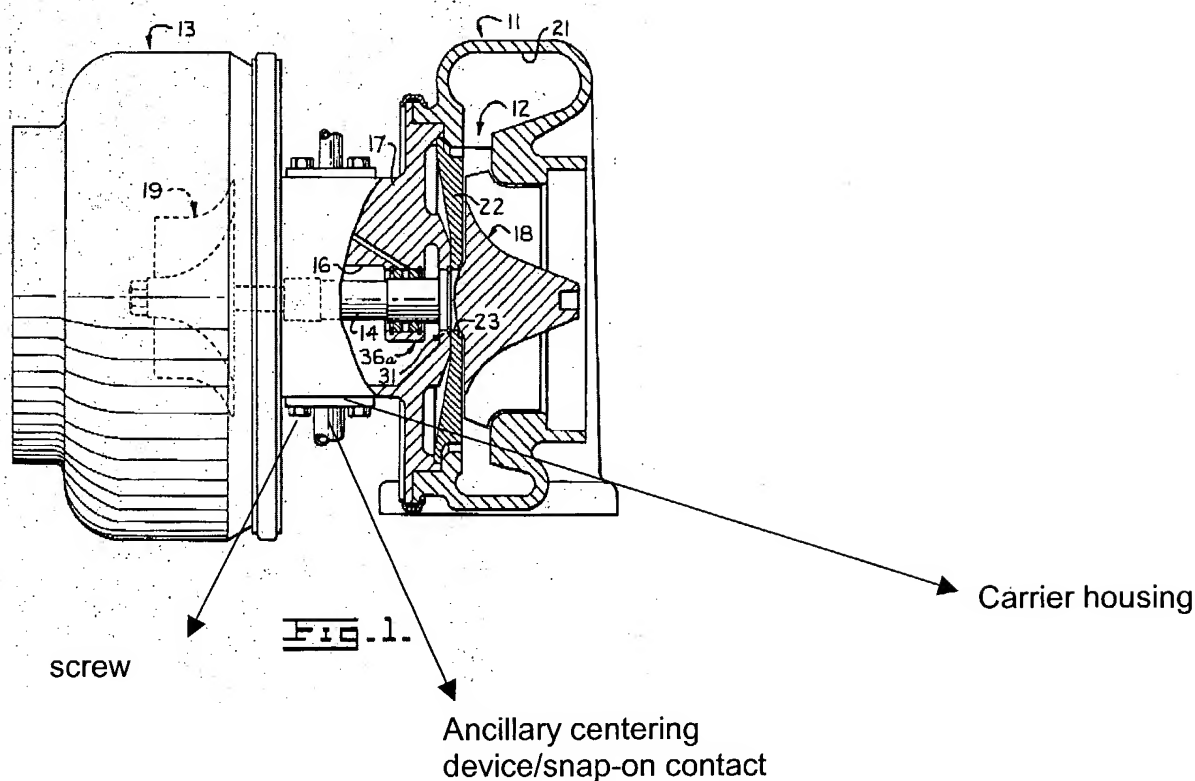
Claims 2, 6-8, 10, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (Patent Number 3,565,497), in view of Zloch et al. (Patent Number 4,738,548).

Miller discloses the invention as recited in the rejection of claim 1, and further discloses the fastening element is in the form of screws (Not Numbered, See attached Figure 1); an ancillary centering device for orientation of the exhaust gas turbocharger on the carrier housing being provided on the bearing housing (17); the ancillary centering device being in the form of a snap-on contact; and by way of the snap-on contact, lubricant being conducted out of the bearing housing and into the carrier housing See attached Figure 1, Column 3, lines 23-28).

However, Miller fails to disclose screw heads of the screws being arranged within a diameter of the bearing housing.

Zloch teaches that it is conventional in the exhaust gas turbocharger art, to arrange screw heads of the screws (46) within a diameter of the bearing housing (6) (See Figure 1 and 3, Column 5, lines 61-68, and Column 6, lines 1-14).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have arranged screw heads of the screws within a diameter of the bearing housing, as taught by Zloch, to reduce the space required for construction of the Miller exhaust gas turbocharger.



Conclusion

The IDS (PTO-1449) filed on March 17, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Harper et al. (US Patent Number 4,480,440) disclose a turbocharger compressor end ventilation system having a return line 26 coupled of the bottom of the lubricant drain cavity 24 by a suitable fitting 38 of a size in excess of that required for the return lubricant to the engine crankcase.

- Hoerl et al. (US Patent Number 5,528,902) disclose a support housing for exhaust gas turbochargers.

- Ruf et al. (US Patent Number 4,716,735) disclose an exhaust gas turbo-supercharger for a vehicle engine having an abutment surface 10 of the bearing housing 1.

- Olofsson et al. (Patent Number WO 86/06790) disclose a device in turbo aggregates.

- Akatsu (Patent Number JP 62284922 A) discloses a supercharger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (703) 308-6450. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (703) 308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB
July 26, 2004



Thai-Ba Trieu
Patent Examiner
Art Unit 3748